



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,124	03/01/2002	Yorihito Okuda	029239-0104	2677

22428 7590 07/07/2003

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

CULBRETH, ERIC D

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,124

Applicant(s)

OKUDA ET AL.

Examiner

Eric D Culbreth

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because of the following informalities. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

A. Regarding Figure 1 and the Brief Description of Figure 2 on page 7, section line "A-A" should be "2-2", as a section line should be named for the figure it represents.

B. Contrary to page 14, lines 14-19 hole does not "correspond" to the width (A).

C. In Figure 6, it is not clear what part 38 is (the reference numeral would not appear to be mentioned in the specification).

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The following changes were made to the specification by informal examiner's amendment:

a. "bad" was changed to "bag" at page 1, line 12 and page 3, lines 2, 4, 11 and 15.

4. The disclosure is objected to because of the following informalities:

a. Page 3, lines 16-18 contradict (it is not "satisfactorily conducted").

Art Unit: 3616

- b. On page 9 it is not clear what TEO, PU, and PPC are.
- c. Page 10, lines 7-14 are an incomplete sentence (in line 12 “with respectively passing the ends” is especially unclear).
- d. Regarding page 11, line 6 it is not clear which figure is being referred to.
- e. Page 13, lines 10-22 are an incomplete sentence.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. In claim 2, it is not clear what recess as the invention is disclosed is being referred to.
- B. In claim 2, line 3, there is no antecedent basis for “said door member fixing end”.
- C. In claim 5, line 3 there is no antecedent basis for “both side areas”.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3616

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by UK Patent Application 2,347,120 (cited by applicant).

In Figures 3-6, UK '120 teaches airbag 6, lid portion 4 and hinge portion 5b, 5e. A door member 5 is disposed on the rear face of the lid portion and is pressed by inflation pressure to be swung to form an opening. The hinge portion comprises a first hinge portion 5e in Figure 6 and a second hinge portion at 5b on the door member open side of the first hinge portion. As seen in Figures 5-6, the second hinge portion 5b is bent in a stage where inflation pressure of the air bag body is lower than some predetermined value to cause formation of the inflation opening to be started (i.e., as functionally recited, the hinge portion 5b bends before the air bag is fully inflated and hence at full pressure to start the opening).

9. Claim 2 as best understood is rejected under 35 U.S.C. 102(b) as being anticipated by Labrie et al.

Labrie et al teach airbag 24', lid portion 16 and hinge portion 50. A door member 38 is disposed on the rear face of the lid portion and is pressed by inflation pressure to be swung to form an opening. The hinge portion comprises a first hinge portion adjacent member 54 and a second hinge portion adjacent member 38 on the door member open side of the first hinge portion. As seen in Figure 7, the second hinge portion is bent in a stage where inflation pressure of the air bag body is lower than some predetermined value to cause formation of the inflation

Art Unit: 3616

opening to be started (i.e., as functionally recited, the hinge portion adjacent the door member bends before the air bag is fully inflated and hence at full pressure to start the opening).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claim 3 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '120 in view of Japanese Patent 6-107103.

UK '120 does not teach a laterally tapering hinge portion. Japanese '103 teaches a hinge portion at D that tapers in Figure 1 toward the door member at least from the portion farthest away from the door 2. It would have been obvious to one of ordinary skill in the art at the time

Art Unit: 3616

the invention was made to modify UK '120 to include a tapered hinge such as taught by Japanese '103 in order to smoothly direct expansion of the air bag (English Abstract).

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '120 in view of Japanese Patent 6-144141.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify UK '120 to include weakened portions on each side of a door portion of the door member in view of Japanese '141 in order to reduce energy loss required for deformation of the cover (English Constitution).

14. Claim 5 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '120 in view of Gray et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify UK '120 to include hinge portions (which would include UK '120's second hinge portion) on the center area and both side areas of the door member as taught by Gray et al's bridges 65 in order to better manage energy during deployment (column 12, lines 1-15 of Gray et al).

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kokeguchi et al shows door weakened area 30.

Art Unit: 3616

Sakata discloses hinge portions 400 that may be included in addition to perforations 410.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703/746-3508 for regular communications and 703/308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Eric D Culbreth
Primary Examiner
Art Unit 3616

Eric Culbreth
6/29/03

ec
June 29, 2003.